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MAY 14 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

1,3-DIACLYATED, 26, 27-ALKYL/HALOALKYL VITAMIN D3 COMPOUNDS AND METHODS OF USE THEREOF

the specification of which was filed on September 24, 2004 as Application No. PCT/US2004/031412 and which was entered in the United States national phase pursuant to 37 U.S.C. § 371 as application Ser. No. 10/572,995 on March 22, 2006.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Edwards Angell Palmer & Dodge LLP**, P.O. Box 55874, Boston, Massachusetts 02205, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by a Preliminary amendment filed on March 22, 2006 concurrently with the aforementioned U.S. national phase application Ser. No. 10/572,995.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☐ no such foreign applications have been filed

☒ such foreign application have been filed as follows:

Attorney Docket No.: 59755US(49949)

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing
GB 0322395.5	GB	September 24, 2003
GB 0404567.0	GB	March 1, 2004

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/505,735	September 24, 2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Attorney Docket No.: 59755US(49949)

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 21874

jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from BioXell S.p.A. as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Please mail all correspondence to Peter C. Lauro, whose address is:

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, Massachusetts 02205

Please direct telephone calls to: Peter C. Lauro at (617) 439-4444.

Please direct facsimiles to: (617) 439-4170

Page 3 of 4

Via Cervino 23
20095- Cusano Milanino
ITALY

Full name of fourth inventor, if any
Enrico Colli

Fourth inventor's signature

Date

Residence
Milan, Italy

Citizenship **Italy**

Mailing Address

**Piazza Pertini, 9
20043- Milan
ITALY**

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- ☒ such U.S. provisional application have been filed as follows:

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- ☐ such U.S./PCT application have been filed as follows:

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1430
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/572,995	FIRST NAMED APPLICANT Milan R. Uskokovic	ATTY. DOCKET NO. 59755US(49949)
		INTERNATIONAL APPLICATION NO. PCT/US04/31412
		I.A. FILING DATE 09/24/2004
		PRIORITY DATE 09/24/2003

21874
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

CONFIRMATION NO. 9070

371 FORMALITIES LETTER

OC000000022464844

Date Mailed: 02/13/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/22/2006
- Copy of the International Search Report filed on 03/22/2006
- Preliminary Amendments filed on 03/22/2006
- Information Disclosure Statements filed on 03/22/2006
- Small Entity Statement filed on 03/22/2006
- U.S. Basic National Fees filed on 03/22/2006
- Priority Documents filed on 03/22/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U S APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/572,995	PCT/US04/31412	59755US(49949)

FORM PCT/DO/EO/905 (371 Formalities Notice)